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STATE OF CALIFORNIA
Department of Industrial Relations

PUBLIC HEARING
Workers' Compensation Proposed Regulations
Public Disability Accommodations
Title 8, California Code of Regulations
Sections 9708.1-9708.6, 10226.1-10226.6

September 27, 2011 10:00 a.m. - 10:30 a.m.

Oakland, California

Appearances: Destie Overpeck - Chief Counsel

Yu-Yee Wu - Industrial Relations Counsel

Katherine Zalewski - Special Advisor to
Administrative Director

Court Reporter: Denise Blakewell, Official Reporter, WCAB

P R O C E E D I N G S

DESTIE OVERPECK: Good morning. Thank you for coming today. This is the hearing on the Division of Workers' Compensation Public Disability Accommodations Regulations pursuant to Government Code Sections 11135, Civil Code Sections 51 and 54, and the Americans With Disabilities Act 42 USC 12101 and continuing. The proposed regulations set forth the division's policies and procedures for accommodating individuals with disabilities who participate in the programs, activities, and services of the Division of Workers' Compensation.

My name is Destie Overpeck. I'm the chief counsel. This is Yu-Yee Wu, who is the attorney who is primarily responsible for these regulations, and Kathy Zalewski, who is a Special Adviser to the Administrative Director. Administrative Director Rosa Moran was unable to attend today.

So when you come to testify, we ask that you please come and stand at the podium, and if you have a card, please present it to our court reporters, so they can make sure they get your name spelled correctly. If you have anything in writing you want to turn in, please give to it Maureen Gray, who is our Regulations Coordinator.

1 The hearing will continue as long as there are people
2 present who would like to testify. It does look like we
3 have a small crowd today, so we will stay here for at least
4 a half an hour. But if nobody else shows up who wants to
5 testify at that time, then we'll close the oral hearing.

6 We will accept written comments on these regulations
7 until 5:00 p.m. They should be turned in to the
8 Headquarters on the 17th floor of this building. The
9 purpose of this hearing is to receive comments on the
10 proposed regulations, and we welcome any comments that you
11 have about them. All comments, both oral that we receive
12 today and any written comments that we receive, are given
13 the same weight, we review them very carefully, and we
14 consider them in making determinations if there are any
15 changes that we need to make to these regulations.

16 There is a bill right now, which is AB 1426, which
17 would remove the position of the Court Administrator. In
18 the current set of regulations, we had regulations under the
19 authority of the Court Administrator. Because of the
20 potential change in the removal of that position, we
21 anticipate having to make changes to these regulations,
22 which means that we will revise them and then send them out
23 again for a 15-day comment period in which people can send
24 in written comments. Since you have signed up on the
25 sign-in sheet, you will be among the people who receive a

1 copy of this second revision that we will do.

2 Okay. I think we can start, and so Johnella
3 Shackelford, would you like to come and make an oral
4 comment? So please remember to say and spell your name.

5 JOHNELLA SHACKELFORD: Good morning. My name is
6 Johnella Shackelford. J-0-H-N-E-L-L-A is the first name.
7 S-H-A-C-K-E-L-F-O-R-D is the last name. I'm an injured
8 worker, and my case is being handled in the San Jose office.
9 So I'm not sure if I have a comment about the Administrative
10 Rules and their content, but I have tried to get an
11 accommodation for injured workers in San Jose to be able to
12 enter the courtroom area by use of some type of automatic
13 door, and I'm just here today to find out if someone can
14 tell me how I would go about that, because I think I have
15 exhausted all of my resources to this point. Thank you.

16 DESTIE OVERPECK: Thank you. We did have a little bit
17 of discussion off the record, and we will definitely look
18 into this and see what we can do.

19 JOHNELLA SHACKELFORD: And I sent an e-mail with those
20 same comments in it.

21 DESTIE OVERPECK: Excellent. So we don't have anyone
22 else in the room who wishes to make a comment, but as I
23 said, we'll wait for a half an hour and go off the record
24 and then come back on for the closing of the record.

25 (Off the record.)

1 DESTIE OVERPECK: Okay. It is 10:30, and we're back
2 on the record. No one else has come to join us at our
3 hearing, so we are going to now close the hearing. The
4 opportunity to file written comments will stay open until
5 5:00 p.m. this afternoon, and these comments should be
6 delivered to the Division of Workers' Compensation's office
7 on the 17th floor of this building, and on behalf of our
8 Administrative Director, I would like to thank everyone who
9 has come today, and our hearing is now closed.

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REPORTER CERTIFICATE

Official Court Reporter Denise Blakewell hereby
certifies:

That I was present at the Public Hearing entitled on
the first page hereof;

That I took stenotype notes of the proceedings had;

That thereafter, upon request, I used the Aristocat Computer-Aided Transcription System which translated the proceedings into printed form;

That the foregoing pages are a full and correct transcript.

DENISE BLAKEWELL

OFFICIAL COURT REPORTER

Dated 9/28/2011